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Attorneys for Petitioner
X-TREME PARASAIL, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

In the Matter

of

The Complaint of X-TREME PARASAIL, INC., a Hawaii corporation, regarding Motor Vessel, X-TREME, Official Number 1153017 for exoneration from or limitation of liability,

Petitioner.

CV. NO. 04-00730 HG-BMK

IN ADMIRALTY

DECLARATION OF GREGORY
LONGNECKER IN SUPPORT OF
PETITIONER'S OPPOSITION TO
CLAIMANTS' MOTION FOR PARTIAL
SUMMARY JUDGMENT

Trial Date: April 4, 2006

Date: January 18, 2006

Time: 10:30 a.m.

Judge: Hon. Barry M. Kuitert

DECLARATION OF GREGORY LONGNECKER

I, Gregory Longnecker, declare as follows:


1. I make this declaration upon my own personal knowledge, and if called upon as a witness, I could and would competently testify to the facts herein.
2. I am the President of X-treme Parasail, Inc. ("X-treme"), a Hawaii corporation located at Kewalo Basin, Slip E, Honolulu, Hawaii 96814, whose mailing address is P.O. Box 8492, Honolulu, Hawaii 96830-0492.
3. X-treme is a parasailing business in which customers pay to engage in a parasailing activity. More specifically, X-treme's customers board one of X-treme's parasailing vessels at the port located in the Kewalo Basin in the vicinity of Honolulu, Hawaii. The vessel then transports the customers approximately one mile offshore out into the ocean where the customers engage in a parasailing activity. Subsequently, the vessel then transports the customers back to the same port in the Kewalo Basin. The excursion typically lasts about one hour.
4. X-treme's parasailing vessels do not transport passengers from one location to another. X-treme's parasailing vessels do not travel between ports of the United States or between its home port in the Kewalo Basin and foreign ports. Rather, the customers leave from the port in the Kewalo Basin and are returned to the same port from where the excursion began approximately one hour later. X-treme's parasailing vessels do not operate as common carriers such as water taxis or cruise ships, rather the customers' purpose for being on the parasailing vessel is to engage in a recreational parasailing activity. The sole purpose of being transported by the parasailing vessel is to be taken to

a location where the parasailing activity takes place, and then to be returned to the port.

5. The role of the parasailing vessel which is subject of this lawsuit was no different on the day in question than that described above. The subject vessel, Motor Vessel (M/V) X-treme, Official Number 1153017 and Hull Identification Number CNXO0024C04 ("M/V X-treme"), took Claimants Steve Jaques and Healy Bartlett ("Claimants") as well as ten other customers from the port in the Kewalo Basin approximately one mile out into the ocean in order to engage in the parasailing activity. Five parasail flights were conducted in tandem fashion (two customers on each flight) with the first ten customers, and then Claimants engaged in the final parasail flight of the excursion. During that final flight the towline parted while Claimants were engaging in the parasailing activity. The M/V X-treme retrieved Claimants from the water and returned to the port in the Kewalo Basin. There were no others aboard the M/V X-treme other than the crew and the twelve customers who engaged in the parasailing activity.

I declare under penalty of perjury under the laws of the State of Hawaii and the United States that the foregoing is true and correct.

DATED: Honolulu, Hawaii, 1/3/05, 2005.


Gregory Longnecker
X-TREME PARASAIL, INC.